

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

11/23/05

THOMPSON PRODUCTS, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 05-11810-RGS
	)	
GLENN THOMPSON, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**PLAINTIFF'S MOTION TO AMEND COMPLAINT AND TO SUBSTITUTE  
SPLASH CREATIONS FOR THOMPSON ENTERPRISES, INC.**

Pursuant to Fed.R.Civ.P. Rule 17, plaintiff, Thompson Products, Inc. ("TPI"), moves this Court for entry of an order substituting Splash Creations, Inc. for Thompson Products, Inc. as the proper defendant and real party in interest herein by reason of a name change of that corporate defendant that was made after TPI filed its Complaint.

Also, pursuant to Fed.R.Civ.P. Rule 17, TPI moves the Court for leave to file the Amended Complaint tendered herewith, and in support of its motion, TPI states as follows:

1. This case arises out defendant, Glenn Thompson's, termination of employment with TPI in July, 2005, and his post-termination establishment and operation of a business in direct competition with TPI.
2. TPI filed its Complaint in early September seeking injunctive relief and damages for Thompson's commencement of competitive activities then known to TPI.
3. Since TPI filed its Complaint, TPI has uncovered pre-termination breaches by Thompson of his fiduciary duties to TPI in preparing for termination; Thompson has taken numerous actions to intensify his unlawful efforts to compete with TPI; and

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Thompson has recently used confidential, proprietary and trade secret information of TPI in an effort to steal its customers and compete unfairly with TPI in the marketplace, all justifying amendment of the Complaint as more particularly set out in the Amended Complaint.

4. Because the case has recently matured on the pleadings; no discovery has been taken; and the initial Scheduling Conference will not be held until January 18, 2006, there will be no prejudice to the defendants if this motion is granted.

WHEREFORE, the plaintiff requests that this Court grant its Motion to Amend the Complaint, order that the Amended Complaint tendered herewith be filed and grant defendants a reasonable time to file pleadings in response to the Amended Complaint.

**REQUEST FOR HEARING PURSUANT TO LOCAL RULE 7.1**

Plaintiff believes that oral argument will assist the Court in ruling upon this motion and, therefore, requests a hearing.

**THOMPSON PRODUCTS, INC.**

By its attorneys,

/s/ Andrew D. Kang

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DATED: November 23, 2005

**CERTIFICATE OF SERVICE**

I, Andrew D. Kang, hereby certify that on the 23<sup>rd</sup> day of November, 2005, I served a copy of the foregoing by U.S. Mail to the following counsel of record:

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